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BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
JOHN A. ROSKA, R.PH.,	:	AND ORDER
RESPONDENT.	:	

The parties to this proceeding for the purposes of Wis. Stats.
sec. 227.16 are:

John A. Roska
4100 Janick Circle North
Stevens Point, Wisconsin 54481

Pharmacy Examining Board
1400 East Washington Avenue, Room 176
P. O. Box 8936
Madison, Wisconsin 53708

Department of Regulation & Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P. O. Box 8936
Madison, Wisconsin 53708

The Pharmacy Examining Board has received a Stipulation and Petition submitted by the parties in the above-captioned matter. The Stipulation and Petition was executed by John A. Roska, the respondent; Maurice G. Rice, Jr., the respondent's attorney; and Michael J. Berndt, the complainant's attorney.

Based upon the Stipulation and Petition, as well as the record herein, the Pharmacy Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. John A. Roska is duly licensed to practice as a registered pharmacist in the State of Wisconsin under license number 7091. Mr. Roska's license was issued on September 16, 1960.
2. An Amended Complaint dated October 8, 1982 is currently pending before the Pharmacy Examining Board.
3. A Stipulation and Petition has been filed by the parties setting forth an agreed disposition of this matter. A copy of the Stipulation and Petition is attached hereto and made a part hereof.

CONCLUSIONS OF LAW

The Pharmacy Examining Board has jurisdiction in this matter pursuant to Wis. Stats. secs. 450.02(7) and 227.07(5).

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation between the parties is accepted, the petition granted, and the Amended Complaint dismissed.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is John A. Roska.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Pharmacy Examining Board.

Dated at Madison, Wisconsin this 11th day of January, 1983.

PHARMACY EXAMINING BOARD

By: _____

Paul G. Byrne, Chairman

BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

JOHN A. ROSKA, R.PH., : STIPULATION AND PETITION
RESPONDENT. :

The parties in this matter stipulate and petition as follows:

1. That John A. Roska, hereinafter called the Respondent, was at all times relevant to this matter duly licensed under the provisions of Chapter 450, Stats., to practice as a registered pharmacist in the State of Wisconsin.
2. That the Respondent's pharmacist license is number 7091, issued on September 16, 1960.
3. That the Respondent's address is 4100 Janick Circle North, Stevens Point, Wisconsin 54481.
4. That on February 3, 1982, the Division of Enforcement in the Department of Regulation and Licensing opened an investigative file based on an informal citizen complaint by Mary Gagas against the Respondent.
5. That on June 28, 1982, a formal complaint dated June 22, 1982, before the State of Wisconsin Pharmacy Examining Board entitled In the Matter of Disciplinary Proceedings Against John A. Roska, R.Ph., Respondent, was filed against the Respondent based on Gagas' informal citizen complaint.
6. That on July 1, 1982, the Respondent filed an Answer to said complaint denying that the Respondent committed any type of unprofessional conduct.
7. That a prehearing conference was held on July 19, 1982, at which time a resolution by stipulation was discussed.
8. That a resolution was not reached pursuant to the July 19, 1982, prehearing conference and another prehearing conference was held September 20, 1982.
9. That on October 11, 1982, the formal complaint dated June 22, 1982, was amended by the filing of an Amended Formal Complaint dated October 8, 1982.
10. That on October 28, 1982, the Respondent filed an Amended Answer to the Amended Formal Complaint denying that the Respondent committed any type of unprofessional conduct.
11. That on October 20, 1982, the complainant filed a brief addressing the admissibility of certain hearsay statements by Dr. John R. Erickson, a witness who died in May, 1982.

12. That on November 5, 1982, the Respondent filed a reply brief regarding said statements.

13. That on November 15, 1982, the complainant filed a reply brief and on November 17, 1982, the Respondent filed a response to the complainant's reply brief.

14. That on December 1, 1982, a prehearing conference was held during which the Hearing Examiner orally ruled that Erickson's hearsay statements would not be admitted into evidence in the case. A memorandum decision consistent with the oral ruling was issued by the Examiner on December 3, 1982.

15. That absent admission of Erickson's hearsay statements, proof as to the allegation of improper substitution of a generic contained in paragraphs 4 through 8 of the Amended Formal Complaint is extremely unlikely.

16. That as to the falsification of patient records allegation, contained in paragraphs 9 and 10, the Respondent has provided an explanation for the contents of said records and proof of wrongdoing is extremely unlikely.

17. That the Complainant and the Respondent urge the Pharmacy Examining Board to dismiss said Amended Formal Complaint pending against the Respondent, close said investigation, and issue an appropriate order.

12/29/82
Date

Michael J. Berndt
Michael J. Berndt
Attorney For Complainant

1-04-83
Date

John A. Roska
John A. Roska, Respondent

12/30/82
Date

Maurice G. Rice, Jr.
Maurice G. Rice, Jr., Attorney
for Respondent

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